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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

Mark Boussum #160825 et al,
Ben Platt #407754
Kenneth Harrison #173108 and
all others similarly situated,
Plaintiffs,

COMPLAINT

V.

Jury Trial Demanded

Case No: 09-CV-12929

Jennifer Granholm,
Patricia L. Caruso,
D. Scutt, K. Ryan, B. Gardon,
L. McMillen, G. Johnson,
F. Van Goethem, H. Elum, sued in
their individual and official
capacities,

Honorable

Marianne D. Battani

Defendants. /

F I L E D
JAN 13 2010
CLERK'S OFFICE
DETROIT

Motion For Class Certification

Now Comes, Plaintiff pursuant to Rule 8 (c), Fed.R.Civ.P.
and pursuant to Rule 23 (b) (2) motions this Honorable Court
to grant plaintiffs Motion for Class Certification for the
following reasons:

1. The class is so numerous that joinder of all class
members is impractical; (you do not have to prove the size
of the class with precision as long as plaintiffs furnish a
factual basis for determining how large it is, Evans v. U.S.

Pipe & Foundry Co. 696 F.2d 925, 930 (11th Cir. 1983); Plaintiffs very claims of Constitutional violations of conditions of confinement warrants class certification.

2. The questions of law and fact are common to similarly situated class of prisoners. Plaintiffs have met this requirement because there is more common issues of law and facts as to all the class members; *Gomes v. Illinois State Board Of Education*, 117 F.R.D. 394, 399 (N.D. Ill. 1987); *In re Federal Skywalk Cases*, 93 F.R.D. 415, 421 (W.D.Mo.), vacated on other grounds, 680 F.2d 1175 (8th Cir. 1982).

3. All the claims and the defenses of the representative parties are typical of the claims and defenses of the other class members, *Senter v. General Motors Corp.*, 532 F.2d 511, 525 m.31 (6th Cir.), cer. denied, 429 U.S. 870 (1976); *Penn v. San Juan Hospital, Inc.*, 528 F.2d 1181, 1189 (10th Cir. 1976).

4. The Plaintiffs cannot fairly and adequately protect the interest of the class because of the complexity of the legal issues and are not competent to represent the class; *Caputo v. Fauver*, 800 F.Supp. 168, 170 (D.N.J. 1992).

W

WHEREFORE, Plaintiffs request that this Honorable Court enter a order granting plaintiffs a Class Certification and appoint counsel to represent the class members in this action.

Respectfully Submitted,

Dated: 1-6-010

Mark Boussum
Mark Boussum #160825
G.R.Cotton Correction Facility
3510 N. Elm Street
Jackson, Mi. 49201

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Honorable
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Defendants. /

F I L E D
JAN 13 2010
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DETROIT

Notice Of Hearing

Upon the Plaintiffs motion to this Honorable Court, for
Class Certification, it is

ORDERED that plaintiffs are Motioning for Class
Certification in the Honorable Marianne O. Battani' court
room _____ of the United States Courthouse, Theodore
Levin, U.S. Courthouse - Fifth Floor, Detroit, Mi. 48226, on
the _____ day of _____ 2010, at _____ o'clock
pursuant to Rule 8 (c) and Rule 23 (b) (2).

Dated: _____

Honorable Marianne O. Battani

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

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FILED
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capacities,

Defendants.

Proof Of Service

On January 8, 2010 I sent (3) copies of Notice of
Hearing, and (3) copies of Motion for Class Certification
with Proof of Service of same. Mailed to the Clerk of the
Court, United States Courthouse, Theodore Levin, U.S.
Courthouse, 231 West LaFayette - Fifth Floor, Detroit, Mi.
48226 by placing in the Cotton Facility expedited legal
mail.

Mark Boussum
Mark Boussum #160825
G.R. Cotton Correction Facility
3510 N. Elm Street
Jackson, Mi. 49201

Sworn to before me this

8 day of January, 2010.

Heather Arnett

Notary Public

HEATHER ARNETT
NOTARY PUBLIC, STATE OF MI
COUNTY OF JACKSON
MY COMMISSION EXPIRES May 9, 2013
ACTING IN COUNTY OF Jackson

My commission expires 75913

1-8-10